

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JUDAS LEE CASEY,

Plaintiff,

v.

OHIO DEPARTMENT OF  
CORRECTIONS,

Defendant.

Case No. 1:19-cv-1020

JUDGE DOUGLAS R. COLE

Magistrate Judge Stephanie Bowman

**ORDER**

On January 27, 2020, the Magistrate Judge issued a Report and Recommendation (the “First R&R”) (Doc. 5) recommending the Court dismiss this case for lack of prosecution. The First R&R advised the parties that failing to object within 14 days would constitute a forfeiture of the right to review. (*See id.*). That same day, Plaintiff Judas Lee Casey filed his Complaint. (Doc. 4). Three days later, on January 30, 2020, Casey filed a Motion for Extension of Time to File Objections to the First R&R. (Doc. 6). The next day, Casey also filed a Motion to Reconsider (Doc. 7), which the Magistrate Judge granted in a second Report and Recommendation (the “Second R&R”) (Doc. 9). Thus, the Magistrate Judge’s Second R&R vacated the first R&R. (*See id.*).

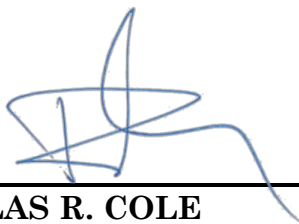
The Second R&R then recommended that the Court: (1) dismiss Casey’s Complaint with prejudice for failing to state claim upon which relief may be granted, (2) certify that any appeal would not be taken in good faith, and (3) deny Casey leave to appeal *in forma pauperis*. (*Id.*). Finally, the Second R&R advised that failing to

object within the 14 days specified by the Second R&R may constitute a forfeiture of the right to review. (*Id.*, at 7, #45 (citing *Thomas v. Arn*, 474 U.S. 140, 149–53 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981))). More than two weeks later, on March 5, 2020, Casey filed a Motion for Extension of Time to File Objections. (Doc. 10). The Court granted that motion and thus reset the deadline for objections to April 5, 2020.

Now, the time period for objections has run (indeed, more than run), and no party has objected. 28 U.S.C. § 636(b)(1)(C). “There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.” *Thomas*, 474 U.S. at 152; *see also Berskhire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting “fail[ure] to file an objection to the magistrate judge’s R&R ... is forfeiture, not waiver”). Thus, the Court **ADOPTS** and **AFFIRMS** the Magistrate Judge’s Second R&R (Doc. 9), thereby **DISMISSING WITH PREJUDICE** Casey’s Complaint. (Doc. 4). The Court **DIRECTS** the Clerk to enter final judgment accordingly.

**SO ORDERED.**

April 17, 2020  
**DATE**

  
**DOUGLAS R. COLE**  
**UNITED STATES DISTRICT JUDGE**